

## Appendix J: Status of Smart Growth Competitive Advantage Strategic Plan

<b>Goal 1: State Capital Investments - Enhancing Public Benefits</b>	
<b>Strategy (Projected Timetable)</b>	<b>Accomplishments</b>
1. Limit state growth-related capital investments to areas designated for growth by local governments and LURC in their comprehensive plans and ordinances (preferably through legislation such as LD 1080 introduced in the 119th Legislature). Include language in LD 1080 that creates a downtown leasehold improvement fund capitalized by a one-time, non-lapsing allocation. <b>(Legislation submit FY00; One time allocation)</b>	<ul style="list-style-type: none"> <li>P.L. 1999 c. 776, section 10, enacted 30-A MRSA §4349-A, limits the geographic areas where State "growth-related capital investment" may be made or a State facility sited.<sup>99</sup> With enumerated exceptions, 30-A MRSA §4349-A, sub-§1 requires that State agencies make "growth-related capital investments" only in one of the following areas: <ol style="list-style-type: none"> <li>Service center downtowns, service center growth areas, or downtowns or growth areas in non-service centers (see also C.1);</li> <li>"Growth areas" locally-designated in an adopted, consistent comprehensive plan; or</li> <li>In communities with no "growth area" designated in an adopted, consistent comprehensive plan, in: a) an area with adequate existing public sewer service; b) an area that the Census lists as a "census-designated place", or; c) a "compact area" as defined by 23 MRSA §754.</li> </ol> Several exceptions are noted in the law. </li> <li>LWRC distributing procedure for review/certification of exemptions to MRSA §4349-A and schematic describing decision making process</li> <li>Circulated to regional councils for distribution to Municipalities: a) Tabular summary of State Investment and Grant Programs noting Municipal eligibility requirements and preferences, b) procedure for review/certification of exemptions to MRSA §4349-A and schematic describing decision making process</li> <li>DECD guidance memo distributed to municipalities (July '00) regarding impact of growth-related capital investments on eligibility for CDBG funding</li> </ul>
2. Speed up funding of local comprehensive plans and implementation programs (from \$250,000 per year to \$500,000 per year) to assure full opportunity for local governments to designate and implement growth areas (as of 1999, 165, or about 33% of organized municipalities, have "consistent" comprehensive plans with designated growth areas). Expand regional technical assistance to provide assistance to local governments. <b>(One time non-lapsing allocation)</b>	<ul style="list-style-type: none"> <li>P.L. 1999 c. 776 appropriated \$1.7 million for grants for financial and technical assistance to municipalities, grants to regional councils and smart growth initiatives;</li> <li>Program Statement and Application Materials circulating; application deadline Jan 5, 2001;</li> <li>Regional Technical Assistance funding increased by \$445,000 over FY01, FY02 time period;</li> <li>CIP project was rejected by Commission whose members said that LURC is about land use not financial affairs</li> </ul>

<sup>99</sup>30-A MRSA §4301, sub-§5-B, enacted by Section 7 of P.L. 1999 c. 776, defines "growth-related capital investment." The definition covers State expenditure of State, federal, or other public funds using the full range of State financial assistance tools for a limited range of projects, including specified public infrastructure investments, State office buildings, business or industrial parks, and multi-family rental housing.

<p>a. Provide funding for the development of Capital Improvement Plans and develop a mechanism for their capitalization for regions that have been prospectively zoned by LURC. <b><i>(Estimate unknown at this time)</i></b></p>	
<p>3. Protect state highway investments through access management, by a combination of acquisition/regulation of key rights-of-way in the corridors of the state's arterials, and standards in local ordinances and LURC regulations that minimize intrusions and conflicts associated with development sprawl on state highways. <b><i>(Legislation submit year FY00)</i></b></p>	<ul style="list-style-type: none"> <li>• P.L 1999 c. 676 expands the purposes of the access management law and clarifies that the Maine Department of Transportation is directed and municipalities are authorized to make rules that establish priorities that assure avoidance, minimization and mitigation of the negative impacts of access on highway operations consistent with functional classifications.</li> <li>• MDOT has published the final Access Management Rules for driveways and entrances in August 2002.</li> <li>• MDOT continues its strategic planning and implementation of transit systems statewide. The Acadia Explorer transit system in Hancock County is a successful model of new transit thinking with supports tourism and econ development while reducing environmental impacts and providing mobility.</li> <li>• MDOT recently secured Federal Transit Administration funds to continue the innovative operations of the Acadia Explorer.</li> <li>• Gov King's FY02-03 bond package proposes \$1.65M to match \$8M in newly available Federal Transit Administration funds for transit vehicle replacements.</li> <li>• MDOT directed to begin a strategic planning process to address challenges such as administrative streamlining of transit funding, marketing and redesign of transit, innovative financing of transit projects, connectivity to airports and rail.</li> <li>• MDOT directed to work with DHS and DEP to identify funding sources for innovative transit and transportation projects that address sprawl and air quality issues (no deadline designated)</li> </ul>
<p>4. Implement the Maine Department of Transportation's "Explore Maine" initiative, creating a viable alternative transportation network to support Maine tourism. <b><i>(Reallocate existing funds begin FY02)</i></b></p>	<ul style="list-style-type: none"> <li>• Recently completed projects (partial list): Amtrak service to Portland in April of 2001. Continued success of high speed and traditional ferry service between Portland, Bar Harbor, and Nova Scotia. Charter bus and intercity bus public and private investments statewide. \$1M in state funds leveraging additional private and federal funds for airport marketing. New bike paths in Topsham, Portland, and elsewhere. MDOT's first statewide bike map. Rapid growth of the Acadia Explorer transit system allowing car-free vacations and commuting in Hancock County.</li> <li>• Funded Projects (partial list): Intermodal passenger facility development in Auburn, Trenton, Rockland. Portland OceanGate new ferry and cruise terminal. New bike trails in Augusta, Ellsworth, Fryeburg, elsewhere. Passenger rail track upgrades from Portland to Rockland and from Portland to Auburn. Passenger rail feasibility studies from Bangor to Trenton.</li> <li>• FY02-03 proposed funding: \$4M to match \$6.1M for</li> </ul>

	intermodal facility development in Freeport, Brunswick, Bath, Boothbay Harbor, Newcastle, Rockland, Bangor-Brewer. \$5M in federal enhancement funds matching as much in local/state funds for trails and bike/pedestrian paths, including development of Eastern (East Coast) Trail, Mountain Division Trail, and Downeast Trail. \$1M for improvements to rail lines between Brunswick and Augusta. \$3M for recreational enhancements to bridges to improve snowmobiling and fishing access statewide.
5. Provide incentives for regional collaboration between K-12 education, higher education, and economic development to make the most effective and efficient use of school capacity and human resources and to encourage well planned growth and development. <b>(Reallocate existing funds begin FY02)</b>	

<b>Goal 2: Keep Rural Lands Ecologically and Economically Productive</b>	
<b>Strategy (Projected Timetable)</b>	<b>Accomplishments</b>
<p>1a. Property Tax reform: Farm &amp; Open Space Tax Act:</p> <ul style="list-style-type: none"> <li>• reduce the penalty for withdrawal to the minimum required in the Constitution <b>(Legislation submit FY00)</b></li> <li>• reimburse municipalities for reduced tax base due to farmland classification at equivalent level as done for tree growth classification and provide updated guidelines for assessors to use for valuing farmland in each region of the state. <b>(Ongoing allocation)</b></li> </ul> <p>b. Property Tax reform: Wildlife Habitat and Waterfront Tax benefit:</p> <p>a. include tax benefits for landowners entering into cooperative agreements with IF&amp;W and DMR for designated high value wildlife habitats and waterfronts. <b>(Legislation submit FY01)</b></p> <p>b. reimburse municipalities for reduced tax base due to habitat and waterfront classification at equivalent level as done for tree growth classification and provide updated guidelines for assessors to use for valuing habitats and waterfronts in each region of the state. <b>(Ongoing allocation begin FY01)</b></p> <p>c. Study the feasibility and cost of changing the Maine Constitution to permit "current use" taxation. <b>(Administration Study begin FY00)</b></p>	<ul style="list-style-type: none"> <li>• Done. Recapture penalty for withdrawal of farmland from the farm and open space tax program is reduced to the minimum penalty required by the State Constitution</li> <li>• Municipal reimbursement passed legislation but not funded at appropriations;</li> <li>• LWRC report (1/11/01) to Legislature recommends continued support for municipal reimbursement and to seek funding sources to fund it</li> <li>• Voters rejected constitutional amendment with respect to waterfront tax benefits Nov '00;</li> <li>• LWRC report (1/11/01) to Legislature recommends proposing waterfront tax benefits again and providing municipal reimbursement for this, tree growth and wildlife habitat land based on cooperative agreements between I/o and IF&amp;W</li> <li>• LWRC report (1/11/01) to Legislature recommends providing municipal reimbursement for the above, tree growth and wildlife habitat cooperative agreements</li> <li>• LWRC report (1/11/01) to Legislature also recommends stabilizing terms of tree growth program by fixing the terms under which newly enrolled lands are to be managed</li> <li>• Rural Lands Working Group discussed and agreed that changing the Constitution from FMV basis to current use was impractical.</li> <li>• Instead, LWRC report (1/11/01) to Legislature recommends providing municipal reimbursement for current use programs as noted above</li> </ul>
2. Through a Strategic Plan for Land for	

<p>Maine's Future, target substantial portions of land acquisition funds for purchase of:</p> <ol style="list-style-type: none"> <li>threatened rural lands around spreading urban areas, including the purchase of development rights from willing farmers; (Note: \$50 million LMF bond issue sets aside 10% for purchase of development rights from farms.)</li> <li>marine waterfronts which can be used for shellfish harvesting</li> <li>fresh and marine waterfronts which can be used for public access, recreational use and wildlife habitat</li> <li>highway access rights in partnership with MDOT as a cost effective approach to highway access management and corridor preservation.</li> </ol> <p><b>(Reallocation of funding provided through General Fund Bonding begin FY00)</b></p>	<ul style="list-style-type: none"> <li>LMF has done its strategic plan in the form of its new policy and program statement and was successful in getting \$50 million bond approved.</li> <li>\$5 million is targeted for farm PDR's and local/regional significance in the new statement.</li> <li>Grant from \$1.7 million Smart Growth funds provided for a strategic study of farmland resources and acquisition needs and targets</li> <li>\$5 million is also set aside for public access.</li> <li>MDOT FY02-03 bond proposes \$1.5M to match \$1.5M in local funds for the Small Harbor Improvement Program to improve piers and wharves which provide public commercial access to marine waters.</li> <li>FY02-03 bond also proposes \$3M for recreational enhancements to bridges to improve snowmobiling and fishing access statewide.</li> <li>The objectives of corridor preservation and LMF are distinct. However, each project scores higher when other areas of public interest are advanced.</li> </ul>
<p>3. Strengthen the right-to-farm law for areas located outside of locally-designated growth areas and LURC development zones. <b>(Legislation submit FY00)</b></p>	<ul style="list-style-type: none"> <li>Right to farm law strengthened, though growth areas not exempted.</li> </ul>
<p>4. Eliminate the sales tax on electricity used in agriculture production, commercial fishing and commercial aquaculture productions. <b>(Legislation submit FY00)</b></p>	<ul style="list-style-type: none"> <li>Sales tax on electricity used in ag, fishing &amp; aquaculture production eliminated.</li> </ul>

### Goal 3: Resurgent Service Centers

Strategy (Projected Timetable)	Accomplishments
<p>1. Implement the 'Main Street Maine' downtown initiative involving at least the following key elements:</p> <ol style="list-style-type: none"> <li>a multi-modal transportation investments program; <b>(Reallocate existing funds begin FY02)</b></li> <li>a joint investment program by DECD/FAME/MSHA to support existing infrastructure improvements that serve high density mixed uses in downtowns; <b>(Administrative implementation begin FY02)</b></li> </ol>	<ul style="list-style-type: none"> <li>P.L. 1999 c. 776 establishes the Maine Downtown Center to encourage downtown revitalization in Maine communities through advocacy, information, training and technical assistance to communities. Coordinator hired.</li> <li>Established an Advisory Board</li> <li>Begun the early stages of implementing the National Maine Street Program</li> <li>See also A4 Explore Maine.</li> <li>The State Planning Office worked collaboratively with DECD, MDF and other state agencies to coordinate the programs of the Center (\$100,000 appropriation).</li> <li>Directed to develop an investment policy to assist municipalities and private property owners in the redevelopment of downtowns. Report submitted to the Legislature (BEC) 1-15-01.</li> </ul>
<p>2. Create and capitalize a Downtown Fund with a one time allocation from the State surplus and distribute to municipalities with "designated downtowns" through a low interest revolving loan program to facilitate investment in downtown infrastructure and related amenities (parking improvements,</p>	<ul style="list-style-type: none"> <li>P.L. 1999 c. 776 authorizes the Maine Municipal Bond Bank to make loans to municipalities from the Municipal Investment Trust Fund for downtown improvements, including façade improvements, utility relocation improvements, elevator installation, historic preservation improvements, sprinkler system installation, parking improvements, roads, traffic control devices, parks and</li> </ul>

<p>building code compliance, utility upgrades, lighting, facade improvements, parks, gathering places and other improvements). Municipalities apply for downtown designation; an interagency "Main Street Maine" Commission reviews the application based on eligibility criteria. The maximum loan amount to any municipality would range from \$500,000 to \$1,000,000. No less than 1% of the available balance in the "Downtown Fund" shall be set aside annually as seed funding for communities who wish to hire downtown managers. No less than \$1,000,000 of the Downtown Fund shall be set aside &amp; reserved (\$250,000 annually for four years) to create a grassroots marketing and management program called the "Downtown Center", styled after the National Historic Trust's Main Street Program, housed at DECD. Amend existing law or create new statute. <b>(One time allocation begin FY00)</b></p>	<p>open space amenities, purchase of development rights for parks and open space, streetscape, sidewalks and curbs and utility upgrade and extensions.</p> <ul style="list-style-type: none"> <li>• NOT FUNDED by 119<sup>th</sup> Legislature</li> <li>• Maximum loans and criteria to be established through Municipal Investment Trust Fund administration (if funded)</li> <li>• Created Downtown Center as noted above; municipalities can apply for Maine Street USA downtown designation;</li> <li>• Governor's Bond Packages that have been approved by the voters include \$2,300,000 to acquire the technology and services required to establish an Internet-based Maine library of geographic data, to improve citizens' access to public geographic data, to make grants to municipalities for voluntary automation of parcel and zoning maps to uniform standards, to provide the state match for at least \$1,600,000 in federal funds and to participate in intergovernmental data development agreements; and \$4,000,000 for the Municipal Investment Trust Fund to provide loans and grants to municipalities for public infrastructure to support economic development and other purposes of the fund.</li> </ul>
<p>3. Institute a state income tax credit, augmenting the federal tax credit, for brownfields redevelopment. The tax write off would cover the cost of investigation and clean up. <b>(Legislation submit FY01; Ongoing allocation begin FY02)</b></p>	<ul style="list-style-type: none"> <li>• Report evaluating and making recommendations on Brownfields initiatives presented to for Legislature in January, 2001.</li> </ul>
<p>4. Develop site selection criteria for leased and owned State office space and state civic buildings that creates a priority for, and gives a scoring advantage to, locations in downtowns first, then in designated growth areas and/or service centers while providing safe, healthy appropriate work space for employees and clients, healthy appropriate work space for employees and supporting agency program requirements. <b>(Administrative implementation begin FY00) (Relates to Section A.1)</b></p>	<ul style="list-style-type: none"> <li>• P.L. 1999 c. 776 requires the Bureau of General Services to develop site selection criteria for state facilities that give preference and a scoring advantage to priority locations, identified as service center downtowns, service center growth areas and downtowns and growth areas in other communities. This policy must be effective by January 1, 2001.</li> <li>• Distribute policy to all affected agencies</li> <li>• PL 776 requires the State Board of Education to develop rules regarding the siting of new schools. Priority locations to be considered are locally-designated growth areas identified in a comprehensive plan or, in the absence of a comprehensive plan, areas served by a public sewer system, areas identified as census designated places or compact areas of urban compact communities.</li> <li>• Rules adopted are major substantive rules and must be submitted to the Legislature by 2-1-01 for review by NAT and EDU.</li> <li>• MDOT and Education initiated discussions to streamline the traffic permitting of school projects while encouraging school siting and design which support compact development and bicycle and pedestrian access.</li> </ul>
<p>5. Establish a stakeholder review of codes that may inhibit redevelopment of historic buildings and other downtown properties (ADA, Life Safety, Parking standards, etc.)</p>	<ul style="list-style-type: none"> <li>• DECD held a Smart Codes seminar with experts from two states that have adopted "smart codes", New Jersey and Maryland (November 2000). Recommendations to create a rehab building code similar to NJ and MD were</li> </ul>

and make recommendations for appropriate remedies. <b>(Administrative implementation begin FY00)</b>	<p>included in the report to the legislature on a Downtown Investment Policy.</p> <ul style="list-style-type: none"> <li>A bill was been submitted by Representative Koffman to create an advisory committee to oversee the development of a building rehab code through Major Substantive Rule Making by December of 2001. Which agency will develop the rule and which agency will oversee the implementation is still under discussion.</li> </ul>
6. Create a homeownership program for service center downtown areas that is similar to MSHA's New Neighbors program. This will encourage owner-occupied 3-4 unit buildings in high rental, low-income areas. <b>(Reallocate existing funds begin FY00)</b>	<ul style="list-style-type: none"> <li>Directed to prepare a status report on MSHA's efforts to design and implement a home ownership program for service center downtowns that is designed to encourage owner-occupied 3-to-4-unit buildings in low-income areas. Also to include recommendations for making MSHA's programs for newly constructed single-family homes consistent with the purposes of 30-A MRSA §4349-A (restricts the state to making growth-related capital investments only in locally-designated growth areas, areas served by public sewer systems, or other areas for specially designated projects).</li> <li>Report submitted to the Legislature (Natural Resources and Business and Economic Development).</li> <li>The New Lease program provides subsidized loans to promote the acquisition and rehabilitation of small rental properties (4-19 units). The program is currently active in 8 towns: Auburn, Augusta, Bath, Bangor, Lewiston, Portland, Norway, and Westbrook. MSHA recently invited the other 61 service center towns to participate and has set aside \$16,000,000 for the program.</li> </ul>
7. Help protect the fiscal condition of service centers that are losing population to out-migration by reducing the impact of population loss in the school funding and community revenue sharing formulas. <b>(Reallocate existing funds begin FY00)</b>	<ul style="list-style-type: none"> <li>The budget establishes a second-tier of revenue sharing that will cap the amount that the Local Government Fund can grow beyond the Consumer Price Index and transfer additional funds raised from the 5.1% of state income and sales tax revenues dedicated to local governments to the Disproportionate Tax Burden Fund. These funds will be distributed to according to a formula that reflects relative tax burden and should provide relief primarily to service center communities. A one-time appropriation of \$3.6 million was made in FY01 to seed the fund.</li> </ul>

<p align="center"><b>Goal 4: The Great American Neighborhood</b> (also collectively know as: Home Town Maine Initiative)</p>	
<b>Strategy (Projected Timetable)</b>	<b>Accomplishments</b>
1. Reform local land use ordinances to allow the development of traditional neighborhoods -- that is, compact, walkable, mixed-use neighborhoods -- that are designed for contemporary conditions, including accommodating auto travel, but that preserve the heritage of the New England town and livable city neighborhoods. Do so by: a. preparing a model ordinance for traditional neighborhood development that can be incorporated into local land use ordinances;	<ul style="list-style-type: none"> <li>SPO solicited proposals and selected a consultant to develop a municipal smart growth handbook. Preliminary meetings were held with the consultant and project advisors.</li> <li>Consultant working on Design Manual (street widths, lot sizes, visual dimensions, "how-to" build plans)</li> <li>Consultant hired to design education campaign to target primarily homebuyers and the general public -- championing the benefits of "Great American Neighborhoods". Final report submitted.</li> <li>Directed to make recommendations regarding land use</li> </ul>

<p><b>(Administrative implementation begin FY00)</b></p> <p>b. preparing a design manual for towns and home builders; including case studies of locations in Maine which approach this concept; and</p> <p>c. requiring, either through administrative or legislative action, municipalities to allow the development of traditional neighborhoods (that meet the standards of the model ordinance) in sewer service areas of communities where the state has helped fund sewer systems and treatment plants.</p>	<p>ordinances and zoning ordinances near newly constructed schools.</p> <ul style="list-style-type: none"> <li>• Report submitted to the Legislature (NAT) (completed by 2-1-01). Work on this task will be coordinated with work to develop Model Ordinances</li> </ul>
<p>2. Revise LURC zoning districts to encourage development around designated settlement areas and development zones. Simultaneously, in more remote areas, discourage development, except that which can accommodate backcountry recreation or which is resource dependent. Revise performance standards, permitted uses, and densities to reinforce the LURC-version of the Great American Neighborhood and the special character of the jurisdiction.</p> <p><b>(Administrative implementation begin FY00)</b></p>	<ul style="list-style-type: none"> <li>• The “Rangeley Plan” does not discourage growth to the extent recommended in the Strategy;</li> <li>• Districts encourage development in Growth Areas rather than specifically discouraging growth in more remote areas; LURC monitoring system to collect and assess data on permits, etc. to determine if growth occurs in the way the plan stipulates</li> </ul>
<p>3. Amend the Site Location of Development Law so that towns with populations greater than 5,000 would be “presumed to have capacity in 2003” only in locally-designated growth areas. <b>(Legislation submit FY00)</b></p>	<ul style="list-style-type: none"> <li>• P.L. 1999 c. 776 amended 38 M.R.S.A.. S 488 §19 so that municipal capacity (and exemption for Site Law Review) is granted if project meets criteria already in the law, <u>and</u> if it is located within a designated growth area of an adopted, consistent comprehensive plan.</li> </ul>
<p>4. Fund a “patient” sewer and water extension loan program (in which municipalities and sewer and water districts can finance extensions but are not required to repay the loans until development is on line and appropriate charges made to developers), provided that residential development locates in designated growth areas and is allowed in the service areas of the extensions at 3 or more units per acre. <b>(Ongoing allocation begin FY02)</b></p>	<ul style="list-style-type: none"> <li>• EPA approval received for DEP and SPO to design a pilot \$3 million “patient” server extension loan fund. Fund will be part of DEP’s sewer revolving loan fund, which has the money available;</li> <li>• Project in place.</li> </ul>
<p>5. Issue an executive order that requires state agencies to review their regulations for secondary impacts that may tend to discourage the development of traditional neighborhoods and commercial centers, or that tend to encourage development sprawl throughout the state (See related section C5). <b>(Administrative implementation FY00)</b></p>	<ul style="list-style-type: none"> <li>• SGCC discussed/decided: <ol style="list-style-type: none"> <li>1. develop <i>checklist</i> that asks whether proposed/revised rules induce sprawl;</li> <li>2. invite public to comment on how the proposed/revised rule induces sprawl;</li> <li>3. invite developers to help forge the discussion</li> </ol> </li> <li>• MDOT amended 23 MRSA 704-A and its implementing rules to provide incentives to locate major developments within growth areas and urban compact areas.</li> </ul>
<p>6. Through the State Planning Office’s</p>	

<p>community planning and investment program, establish a competitive pilot program to fund:</p> <p>a. the restoration of the physical landscapes of older urban neighborhoods consistent with the principles of the Great American Neighborhood; (<b>Ongoing allocation begin FY02</b>)</p> <p>b. the restoration of commercial areas through the concept of “downtowning the strip” . (<b>Ongoing allocation begin FY02</b>)</p>	<ul style="list-style-type: none"> <li>• P.L. 1999 c. 776 appropriated \$1.7 million for grants for financial and technical assistance to municipalities, grants to regional councils and smart growth initiatives;</li> <li>• Program Statement and Application Materials circulating; application deadline Jan 5, 2001;</li> <li>• Includes Smart Growth Challenge Grant Program and Great American Neighborhood Partnership Grant Program</li> <li>• Not funded</li> <li>• No action proposed.</li> </ul>
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## Goal 5: Report Card

Strategy ( <i>Projected Timetable</i> )	Accomplishments
<p>1. Charge the Land and Water Resources Council with maintaining a biennial “report card” on progress toward this initiative’s measurable objectives within each of the state’s “extended communities” -- that is, areas defined by the State Planning Office that consist of one or more service centers and surrounding suburbs and rural towns that are bound together economically. The report card will include measures undertaken to foster local leadership and capacity-building necessary to support the objectives and strategies for A-D above, as well as identify any unmet local needs. (<b>Administrative implementation begin F 00</b>)</p>	